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Appl. No. 09/921,365
Statement in resp. to interview of Jan. 28, 2004
Statement dated February 23, 2004

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J. Bruce Hoofnagle
Printed name of person mailing paper

J. Bruce Hoofnagle
Signature of person mailing paper

Appl. No. : 09/921,365
Applicants : JOSEPH A. SNIADACH
Filed : August 2, 2001
Title : DOUBLE BARREL VENTILATION MASK FOR A PATIENT

TC/A.U. : 3761
Examiner : Glenn K. Dawson

Docket No. : 21242-PA

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

Applicant appreciates the interview granted and conducted courteously by the Examiner, on January 28, 2004, to the applicant and applicants's undersigned representative, J. Bruce Hoofnagle.

During the interview, applicant and applicant's representative discussed, with the Examiner, an amendment, which was filed in the USPTO on August 13, 2003, in response to an Office action, dated February 13, 2003. A copy of the amendment was faxed to, at the request of, the Examiner, on October 17, 2003.

In particular, applicant and applicant's representative discussed amendments to independent claims 1, 10 and 16, which were amended to overcome rejections based on 35 U.S.C. §§ 101 and 112. The Examiner indicated that the amendments appeared to overcome the indefiniteness issues.

In the above-noted response of August 13, 2003, applicant added new claims which included independent claims directed to features of the mask including, separately, a strap, a chin portion and a finger engaging portion, and to various combinations thereof.

During the interview, applicant and applicant's representative informed the Examiner that, by way of a supplemental amendment, the claims directed separately to the strap would be canceled, and that the claims directed separately to the chin portion and the finger engaging portion would remain in the application for consideration. Further, the Examiner was informed that various claims directed to combinations of the chin portion, the finger engaging portion and the strap would remain in the application, or be presented as new claims in the supplemental amendment.

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The Examiner indicated that, based on his interpretation of the claims directed to the chin portion, further structure may be needed to place the claims in condition for allowance. Further, the Examiner indicated that lateral creases in prior art masks may be used to potentially reject the finger receiving portion.

No formal indication of allowability of any of the claims was given by the Examiner, but the Examiner did indicate that a new search of the prior art would be necessary.

Using a model, applicant demonstrated his invention.

If the Examiner wishes to discuss the above statement, or any other aspects of this application, the Examiner should call applicant's representative, J. Bruce Hoofnagle, at 410 442-2417.

Respectfully submitted,

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Attorney for Applicant

February 23, 2004

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